

7515-01

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

**36 CFR Parts 1228, 1232, 1236, 1239**

**Records management**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule revises agency program responsibilities for audiovisual records management, providing more specific standards and instructions to Federal agencies. The proposed rule is intended to correct problems found by NARA during records management surveys and during the accessioning of audiovisual records into the National Archives. The proposed rule would add a provision that destruction of restricted records may be witnessed by contractor employees when an agency agrees. This change would allow the National Archives and Records Administration (NARA) to reduce the cost of this type of records disposal. This document also proposes to remove obsolete regulations governing preservation of records by war contractors. The proposed rule also makes minor technical and editorial corrections to other records management regulations.

**DATE:** Comments must be received by [insert date 30 days after date of publication].

**ADDRESS:** Comments should be sent to Director, Program Policy and Evaluation Division, National Archives and Records Administration (NAA), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202-523-3214 (FTS 523-3214).

SUPPLEMENTARY INFORMATION: This proposed rule provides, in 36 CFR Part 1232, specific guidance to Federal agencies on the creation, maintenance, use, and disposition of audiovisual records. 36 CFR Part 1239, Preservation of Records by War Contractors, would be removed since this regulation is obsolete and a revised regulation is not needed.

In 36 CFR Part 1228, General Records Schedule 25, Inspector General Records, would be added to the list of current general records schedules in 36 CFR 1228.22. Section 1228.74 would be modified to allow contractor employees to witness the destruction of restricted records when the agency which created the records authorizes such an action. Section 1228.162(a) would be revised to remove the reference to purchasing Standard Form 180, Request Pertaining to Military Records, from the Superintendent of Documents since the Superintendent of Documents no longer stocks the form for sale.

References in Part 1228 to the General Services Administration regulations on approval of interagency reports have been revised to reflect those regulations' new location in 41 CFR Part 201-45. In 36 CFR 1236.8, a reference to the Federal records center in Mechanicsburg, PA, which has been closed, is deleted.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of subjects in 36 CFR Parts 1228, 1232, and 1236:  
Archives and records

List of subjects in 36 CFR Part 1239: Archives and records, Government property management, Reporting and recordkeeping requirements

For the reasons set forth in the preamble, NARA proposes to amend Title 36 of the Code of Federal Regulations as follows:

Part 1228 -- Disposition of Federal Records

1. The authority citation for Part 1228 continues to read as follows:

Authority: 44 U.S.C.2104(a)

§ 1228.22 [Amended]

2. Section 1228.22 (b) is amended by adding General Records Schedule 25 to read as follows:

"25.. Inspector General Records."

3. Section 1228.74 is amended by revising paragraph (b) to read as follows:

§ 1228.74 Methods of disposal.

\* \* \* \* \*

(b) Sale or salvage. Paper records to be disposed of normally must be sold as wastepaper. If the records are

defense classified, their disposal is governed by Executive Order 12356. If the records are restricted; that is, if laws or regulations forbid their use by the public, the wastepaper contractor must be required to pulp, macerate, or shred the records, and their destruction must be witnessed either by a Federal employee or, if authorized by the agency that created the records, by a contractor employee. The contract for sale must prohibit the resale of all other records for use as records or documents. Records other than paper records (film and plastic recording, etc.) may be salvaged and sold in the same manner and under the same conditions as paper records. All sales must be in accordance with the established procedures for the sale of surplus personal property. (See 41 CFR Part 101-45, Sale, Abandonment, or Destruction of Personal Property.)

\* \* \* \* \*

4. Section 1228.92 is amended by revising paragraph (e) to read as follows:

§ 1228.92 Menaces to human life or health or to property.

\* \* \* \* \*

(e) This report has been cleared in accordance with 41 CFR Part 201-45 and assigned Interagency Report Control Number 1095-NAR-AR.

5. Section 1228.104 is amended by revising paragraph (b) to read as follows:

§ 1228.104 Reporting.

\* \* \* \* \*

(b) This report has been cleared in accordance with 41 CFR Part 201-45 and assigned Interagency Report Control Number 0285-NAR-AR.

\* \* \* \* \*

6. Section 1228.162 is amended by revising paragraph (a) to read as follows:

§1228.162 Use of records in Federal records centers.

\* \* \* \* \*

(a) Standard Form 180, Request Pertaining to Military Records, shall be used by Federal agencies to obtain information from military service records in the National Personnel Records Center (Military Personnel Records). Agencies may furnish copies of that form to the public to aid in inquiries.

\* \* \* \* \*

#### Part 1232--Audiovisual Records Management

7. The authority citation for Part 1232 continues to read as follows:

Authority: 44 U.S.C. 2904 and 3101.

8. Section 1232.4 is revised to read as follows:

§ 1232.4 Agency program responsibilities.

(a) Each Federal agency, in providing for effective controls over the creation of records, shall establish an appropriate program for the management of audiovisual records which program shall be governed by the following guidelines:

(1) Prescribe the types of records to be created and maintained so that audiovisual operations and their products are properly documented (guidelines describing the appropriate types of records are in § 1228.184 of this chapter).

(2) For contractor-produced audiovisual records, establish contract specifications which will protect the Government's legal title and control over all such audiovisual media and related documentation.

(3) Keep inventories indicating the location of all generations of audiovisual records, whether in agency storage, a Federal records center, or in a commercial facility such as a laboratory or library distribution center.

(4) Schedule disposition of all audiovisual records as soon as practicable after creation, following the instruction in GRS 21, Audiovisual Records, or a specific agency records schedule approved by the Archivist of the United States. The scheduling of permanent records must take into account the different record elements identified in § 1228.184, and must always include related finding aids.

(5) Review agency audiovisual recordkeeping practices for possible improvement.

(b) Each Federal agency, in establishing a program for proper storage, maintenance, and use of audiovisual records, shall implement the following standards in its practices:

(1) Nitrate Film: Remove nitrocellulose-base motion pictures, still pictures, and aerial film from records storage

areas and place them in vaults meeting the standards prescribed in NFPA 40-1982, Cellulose Nitrate Motion Picture Film, which is incorporated by reference. Because of their age and inherent instability, immediately offer nitrate films to NARA so that they may be reviewed for disposal or copied and destroyed, as appropriate. NFPA 40-1982 is available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. This standard is also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street NW, Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register on \_\_\_\_\_, 1986. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(2) Unstable Safety Film: Identify permanent or unscheduled audiovisual records composed of diacetate or other early forms of acetate film that are starting to deteriorate and offer them to NARA so that they can be copied. Although not hazardous like nitrate film, acetate film will deteriorate over time.

(3) Storage Conditions:

(i) Provide audiovisual records storage facilities secure from unauthorized access and make them safe from fire, water, flood, chemical or gas damage, and from other harmful conditions. See NFPA 232-1986, Standard for Protection of

Records issued by the National Fire Protection Association, which is incorporated by reference. The standard is available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. This standard is also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street NW, Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register on \_\_\_\_\_, 1986. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(ii) Maintain good ambient storage conditions for audiovisual records. Generally, the temperature should not exceed 70 degrees F and relative humidity should be maintained in the range of 40-60%. Avoid fluctuating temperatures and humidities. Cooler temperatures and lower relative humidities are recommended for the storage of color films, and, for that reason, NARA will make a limited amount of temporary space available for the cold storage of Federal civilian agencies' color originals, negatives, and masters, provided the records are scheduled as permanent and are inactive.

(iii) For the storage of permanent or unscheduled records, utilize audiovisual storage containers or enclosures made of noncorroding metal, inert plastics, paper products and other safe materials recommended and specified in ANSI standards PH1.43-1985, Practice for Storage of Processed Safety



Photographic Film; PH1.48-1982, Photography (Film and Slides) Black-and-White Photographic Paper Prints - Practice for Storage; and PH1.53-1984, Standard for Photography (Processing) - Processed Films, Plates, and Papers - Filing Enclosures and Containers for Storage. These standards, which are incorporated by reference, are available from ANSI, Inc., 1430 Broadway, New York, NY 10018. These standards are also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street NW, Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register on \_\_\_\_\_, 1986. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(iv) Maintain originals and use copies (e.g., negatives and prints) separately, whenever practicable.

(4) Maintenance and Operations:

(i) Because of their extreme vulnerability to damage, handle audiovisual records in accordance with commonly-accepted industry practices. For further information, consult ANSI, Inc., 1430 Broadway, New York, NY 10018 and the Society of Motion Picture and Television Engineers, Inc., 862 Scarsdale Avenue, Scarsdale, NY 10583. Use only personnel trained to perform their audiovisual duties and responsibilities.

(ii) Maintain continuous custody of permanent or unscheduled audiovisual records. Make loans of such records outside of the agency only if a record copy is maintained in the agency's custody at all times.

(iii) Take all steps necessary to prevent accidental or deliberate alteration or erasure of audiovisual records.

(iv) Do not erase information recorded on permanent or unscheduled magnetic sound or video media.

(v) If different versions of audiovisual productions (e.g., short and long versions or foreign-language versions) are prepared, keep an unaltered copy of each version for record purposes.

(vi) Maintain the association between audiovisual records and the finding aids for them, such as captions and published and unpublished catalogs.

(5) Formats:

(i) When ordering photographic materials for permanent or unscheduled records, ensure that still picture negatives and motion picture preprints (negatives, masters, etc.) are composed of cellulose triacetate or polyester bases and are processed in accordance with industry standards as specified in ANSI PH1.28-1984, Specifications for Photographic Film for Archival Records, Silver Gelatin Type on Cellulose Ester Base, or PH1.41-1984, Photographic Film for Archival Records, Silver Gelatin Type on Polyester Base, which are incorporated by reference. It is particularly important to limit hypo

residual sodium thiosulphate on newly processed photographic film, black and white or color, to the range of .002 to .004 grams per meter. Request laboratories to process film in accordance with this standard. Excessive hypo will shorten the longevity of film and accelerate color fading. If using reversal type processing, request full photographic reversal; i.e., develop, bleach, expose, develop, fix, and wash. The standards cited in this paragraph are available from ANSI, Inc., 1430 Broadway, New York, NY 10018. These standards are also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street NW, Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register on \_\_\_\_\_, 1986. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(ii) Do not use motion pictures in a final "A & B" format (two precisely matched reels designed to be printed together) for the reproduction of excerpts or stock footage.

(iii) Use only industrial or professional format video tapes (e.g., 1-inch, 3/4-inch) for record copies of permanent or unscheduled recordings. Limit the use of consumer formats (e.g., VHS, Beta) to distribution or reference copies or to subjects scheduled for disposal.

(iv) Record permanent or unscheduled audio recordings on 1/4-inch open-reel tapes at 3 3/4 or 7 1/2 inches per second, full track, using professional unrecorded polyester splice-free tape stock. Audio cassettes are not sufficiently durable to be used for permanent records.

(c) The disposition of audiovisual records shall be carried out in the same manner as that prescribed for other types of records in Part 1228 of this chapter. For further instructions on the disposition of audiovisual records see § 1228.184 of this chapter, Audiovisual Records.

Part 1236 -- Vital Records During an Emergency

9. The authority citation for Part 1236 continues to read as follows:

Authority: 44 U.S.C. 2104(a).

§1236.8 [Amended]

10. Section 1236.8 is amended by removing in paragraph (a) the words "(except the FRC in Mechanicsburg, PA)".

Part 1239 -- Preservation of Records by War Contractors

11. Part 1239 is removed and reserved.

Dated:

APR 25 1986

*(Signed) Claudine J. Weiher*

CLAUDINE J. WEIHER  
Acting Archivist  
of the United States

Nallard regav:file

Official file - NAA  
Reading file - NAA  
- NA  
- N  
- NC  
- NN ✓